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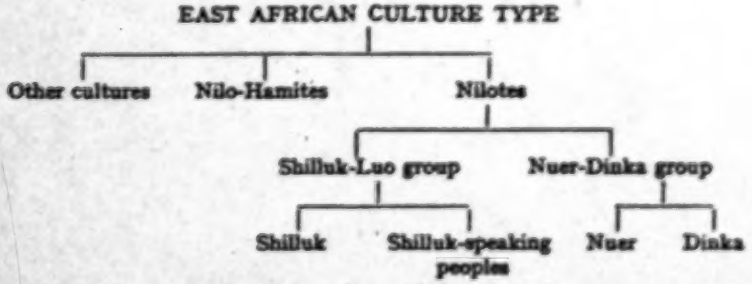
II

I describe in this volume the ways in which a Nilotic people obtain their livelihood, and their political institutions. The information I collected about their domestic life will be published in a second volume.

The Nuer,[1] who call themselves *Nath* (sing. *ran*), are round about 200,000 souls and live in the swamps and open savannah that stretch on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal, and on both banks of these two tributaries. They are tall, long-limbed, and narrow-headed, as may be seen in the illustrations. Culturally they are similar to the Dinka, and the two peoples together form a subdivision of the Nilotic group, which occupies part of an East-African culture-area the characteristics and extent of which are at present ill-defined. A second Nilotic subdivision comprises the Shilluk and various peoples who speak languages similar to Shilluk (Luo, Anuak, Lango, &c.). Probably these Shilluk-speaking peoples are all more alike to one another than any one of them is to the Shilluk, though little is yet known about most of them. A tentative classification may be thus presented:



Nuer and Dinka are too much alike physically and their languages and customs are too similar for any doubt to arise about their common origin, though the history of their divergence is unknown. The problem is complicated: for example, the Atwot, to the west of the Nile, appear to be a Nuer tribe who have adopted many Dinka habits,[2] while the Jikany tribes of

[1] The word 'Nuer' is sanctioned by a century of usage. It is probably of Dinka origin. I use it in singular and plural, speaking of 'a Nuer man' and of 'the Nuer people'.

[2] Poncet, op. cit., p. 54. They appear as Atot in the map on p. 129.

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CHAPTER III

TIME AND SPACE

I

121 In this chapter we look backwards on our description of Nuer interest in cattle and of their oecology and forwards to an account of their political structure. Their oecology limits and in other ways influences their social relations, but the value given to oecological relations is equally significant in understanding the social system, which is a system within the oecological system, partly dependent on it and partly existing in its own right. Ultimately most, perhaps all, concepts of time and space are determined by the physical ambient, but the values they embody are only one of many possible responses to it and depend also on structural principles, which belong to a different order of reality. In this book we are not describing Nuer cosmology but their political and other institutions, and are, therefore, interested mainly in the influence of oecological relations on these institutions rather than the influence of the social structure on the conceptualization of the oecological relations. Thus, to give one example, we do not describe how Nuer classify birds into various lineages on the pattern of their lineage structure. This chapter is therefore a bridge between the two parts of the book, but we cross it in one direction only.

805 In describing Nuer concepts of time we may distinguish between those that are mainly reflections of their relations to environment, which we call oecological time, and those that are reflections of their relations to one another in the social structure, which we call structural time. Both refer to successions of events which are of sufficient interest to the community for them to be noted and related to each other conceptually. The larger periods of time are almost entirely structural, because the events they relate are changes in the relationship of social groups. Moreover, time-reckoning based on changes in nature and man's response to them is limited to an annual cycle and therefore cannot be used to differentiate longer periods than seasons. Both, also, have limited and fixed notations. Seasonal

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stratification integrates the members of a tribe has little to commend it.

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In the way we have written this book we have in some measure broken away from the tradition of lengthy monographs on primitive peoples. These weighty volumes generally record observations in too haphazard a fashion to be either pleasant or profitable reading. This deficiency is due to absence of a body of scientific theory in Social Anthropology, for facts can only be selected and arranged in the light of theory. It is aggravated by the error of confusing documentation with illustration. We have also tried to describe Nuer social organization on a more abstract plane of analysis than is usual, for usually abstract terms are mistaken for abstractions. Whether we have succeeded in doing so is for the reader to judge, but in case it be said that we have only described the facts in relation to a theory of them and as exemplifications of it and have subordinated description to analysis, we reply that this was our intention.

It is difficult to know how far one is justified in pressing an abstraction. Once one has a theoretical point of view it is fairly simple to decide what facts are significant, since they are significant or otherwise to the theory, but it may be doubted whether it is wise, in discussing the political institutions of a primitive people, to give only the barest reference to their domestic and kinship life. Can this be done successfully? That is precisely the question we have asked ourselves, and we have concluded that an answer can only be given to it by making the attempt.

1. We first gave an account of Nuer absorption in their cattle and showed how this value in their system of oecological relations necessitates a certain mode of distribution and transhumance. We then described the concepts of time and space that arise very largely from ways of livelihood and disposition of settlements. We then examined the territorial sections which, through the values attached to them, form a political system. We further noted that structural distance in the lineage systems

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121 of the dominant clans is a function of structural distance in the tribal systems and that there is no comparable interdependence between age-set structure and political structure.

2. By social structure we mean relations between groups which have a high degree of consistency and constancy. The groups remain the same irrespective of their specific content of individuals at any particular moment, so that generation after generation of people pass through them. Men are born into them, or enter into them later in life, and move out of them at death; the structure endures. In this definition of structure the family is not considered a structural group, because families have no consistent and constant interrelations as groups and they disappear at the death of their members. New families come into being, but the old for ever vanish. We do not suggest that the family is for this reason of less importance than structural groups; it is essential for the preservation of the structure, for it is the means by which new persons are born into its segments and the system is maintained. Nor do we suggest that the relations we consider structural are between groups that do not in any way vary. Territorial, lineage, and age-set systems change, but more slowly, and there is always the same kind of interrelationship between their segments. We do not, however, insist on this limiting definition of structure and our description and analysis do not depend on it.

3. Structural relations are relations between groups which form a system. By structure we therefore further mean an organised combination of groups. The territorial distribution of a Nuer tribe is not a haphazard aggregate of residential units, but every local group is segmented and the segments are fused in relation to other groups, so that each unit can only be defined in terms of the whole system. Similarly a lineage or age-set can only be defined in terms of the systems of which they form part. We have tried to show this in our account.

4. By structure we mean relations between groups of persons within a system of groups. We stress that it is a relation between groups, for relations between individuals may also be arranged on a regular plan, e.g., kinship relationships may be spoken of as a kinship system. By 'group' we mean persons who regard themselves as a distinct unit in relation to other

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units, are so regarded by members of these other units, and who all have reciprocal obligations in virtue of their membership of it. In this sense a tribal segment, a lineage, and an age-set are groups, but a man's kindred are not a group. A kinship relationship is a category and the kinship system a co-ordination of categories in relation to an individual. In our opinion strangers and Dinka ought to be described as persons of certain categories rather than as members of social groups and that the relations between them and aristocrats are not, strictly speaking, to be described as structural relations.

5. The social structure of a people is a system of separate but interrelated structures. This book deals mainly with the political structure. Faced with the initial difficulty of defining what is political we decided to regard the relations between territorial groups as such, taking the village as our smallest unit, for though a village is a network of kinship ties it is not a kinship group, but a group definable only by common residence and sentiment. We found that the complementary tendencies towards fission and fusion, which we have called the segmentary principle, is a very evident characteristic of Nuer political structure. The lines of political cleavage are determined chiefly by oecology and culture. Harsh environment together with dominant pastoral interests cause low density and wide gaps in the distribution of local communities. Cultural differences between the Nuer and their neighbours also cause varying degrees of political distance. Oecological and cultural relations often combine to produce fission. In Nuerland itself culture is homogeneous, and it is oecological relations that chiefly determine the size and distribution of segments.

6. These tendencies in, or principles of, political structure control actual behaviour between persons through values. These values appear contradictory. They are only seen to be consistent when we view structure as sets of relations defined by reference to specific social situations. By political values we mean the common feeling and acknowledgement of members of local communities that they are an exclusive group distinct from, and opposed to, other communities of the same order, and that they ought to act together in certain circumstances and to observe certain conventions among themselves. It does not follow that

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121 behaviour always accords with values and it may often be found to be in conflict with them, but it always tends to conform to them.

7. Not only can we speak of the relations between territorial *groups as a political system, the relations between lineages as a* lineage system, the relations between age-sets as an age-set system, and so forth, but also in a society there is always some relationship between these systems in the whole social structure, though it is not easy to determine what this relationship is. We have shown that there is interdependence of a kind between the Nuer lineage system and their political system. This does not mean a functional relationship between clan groups and territorial groups, although they have a certain association, for clans, and even their lineages have no corporate life. Nor does it mean that when a man behaves in a certain way to a fellow clansman and in a different way to a fellow tribesman that there is a functional relationship between these two modes of behaviour. Nor, again, does it mean that there is a functional relationship between those members of a dominant clan who live in a tribe and the tribe of which they form part. But it means that there is structural consistency between the two systems—a consistency between abstractions. We are unable to show a similar interdependence between the age-set system and the political system.

8. Can we speak of political behaviour as a distinct type of social behaviour? We have assumed that certain activities, such as war and feuds, may be called political, but we do not consider that much is gained by so designating them. It is only on the more abstract plane of structural relations that a specific sphere of political relations can be demarcated. The behaviour of persons to one another is determined by a series of attachments, to family, joint family, lineage, clan, age-set, &c., and by kinship relationships, ritual ties, and so forth. These strands of relationships give to every man his sphere of social contacts. His field of actual contacts is limited; his field of potential contacts is unlimited. We distinguish a man's social sphere in this sense from structural space, the distance between social segments, which are groups of people who compose units in a system. We do not therefore say that a man is acting politically

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or otherwise, but that between local groups there are relations of a structural order that can be called political. 121

9. We do not describe the different social ties which exist between persons living in the same district, but we may say that, in our view, the relations between this network of individual relationships, that together make up a community, and political structure, the relations that exist between territorial segments, present a problem of considerable importance, and we make some comments on it. (*a*) Social relationships are ordered by the political structure, so that a man's social sphere, and the joint social sphere of a number of persons living in the same village, tend always to be limited by the extension of their political groups. (*b*) Local communities, relations between which constitute the political structure, are only groups because of these many and varied relationships between the individuals who compose them. But it is the organization of these relationships into groups standing in a certain relation to one another within a system that interests us in our present discussion and we only study them in this organised form; just as one can, for certain purposes, study the relation between organs of the body without studying the interrelation of the cells that compose the organs. (*c*) In our view the territorial system of the Nuer is always the dominant variable in its relation to the other social systems. Among the Nuer, relationships are generally expressed in kinship terms, and these terms have great emotional content, but living together counts more than kinship and, as we have seen, community ties are always in one way or another turned into, or assimilated to, kinship ties, and the lineage system is twisted into the form of the territorial system within which it functions.

10. We have defined structure by what amounts to the presence of group segmentation and have discussed some Nuer systems from this point of view. We again emphasize that we do not insist on our definition and that we recognise that structure can be otherwise defined. But having so defined it, frequent allusion to a principle of contradiction in it was forced on us. To avoid misunderstanding, however, we would remark that the contradiction we have alluded to is on the abstract plane of structural relations and emerges from a systematization of

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121 values by sociological analysis. It is not to be supposed that we mean that behaviour is contradictory or that groups stand in contradiction to one another. It is the relations of groups within a system that constitutes and exemplifies the principle. There may sometimes be conflict of values in the consciousness of an individual, but it is structural tension to which we refer. Likewise when we refer to the relativity of the structure we do not mean that a group is anything than an actual mass of people who can be seen and counted and plotted in space and time. We mean that on the plane of structural relations its position in a system is relative to the functioning of the system in changing situations.

11. Besides making a contribution to the ethnology of the Nilotes we have attempted in this book a short excursion into sociological theory, but we can only make a theoretical analysis up to a certain point, beyond which we perceive vaguely how further analysis might be made. Our experience in research and in writing this essay has intimated the lines of more extensive treatment. Social anthropology deals at present in crude concepts, tribe, clan, age-set, &c., representing social masses and a supposed relation between these masses. The science will make little progress on this low level of abstraction, if it be considered abstraction at all, and it is necessary for further advance to use the concepts to denote relations, defined in terms of social situations, and relations between these relations. The task of exploring new country is particularly difficult in the discipline of politics where so little work has been done and so little is known. We feel like an explorer in the desert whose supplies have run short. He sees vast stretches of country before him and perceives how he would try to traverse them; but he must return and console himself with the hope that perhaps the little knowledge he has gained will enable another to make a more successful journey.

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PREFACE

In 1940 I published under the title *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*, referred to henceforward as *The Nuer*, the first part of a general summary of the information collected during twelve months spent among the Nuer of the Nilotic Sudan in the years 1930, 1931, 1935, and 1936. The present volume forms the second part of this general account. I had planned to publish it in 1942 and it was already partly written before the war. During the years of war military service compelled me to relinquish literary work, and the completion of the book has since been further delayed by academic duties and also by a change of interests which led me to give my first attention to a history of the Sanusi of Cyrenaica.

The Nuer are a Nilotic people of between 200,000 and 300,000 souls living in savannah country near the Upper Nile and its tributaries. They are a cattle people, the ebb and flow of whose transhumant life follow the seasons. They are divided into a number of tribes, the largest political groups of their society, and these tribes are segmented into sections and subsections corresponding structurally to the segments, or lineages, of the clans dominant in each tribal territory. In *The Nuer* I described the form of segmentation in political and descent groups and I attempted to show the principles which underlie it. I also gave a short account of the age-set system; but I omitted all but the briefest references to marriage, family, and kinship because I believe that political structure presents problems which are better inquired into apart from social relations of a different kind.

In this second volume I first show that the members of a Nuer village or camp are not only kith but also kin, and how the network of kinship ties within local communities is connected with the lineage system of the Nuer and through that system with their tribal, or political, constitution. This demonstration serves as a bridge between the theme of my earlier book and the subject of marriage to which the present volume is largely devoted. The network of kinship ties within any Nuer community can ultimately be reduced to a series of marriage unions. Among the Nuer, as in all human societies, marriage and the family are the most fundamental institutions.

The role of kinship values in Nuer society cannot be understood

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[835 602] The role of kinship values in Nuer society cannot be understood

•121 unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

000 I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records, Uganda Journal, Africa, African Studies, Zeitschrift für Vergleichende Rechtswissenschaft, Social Structure, African Systems of Kinship and Marriage*, and *Man*, and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

113 * A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1947; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "Nak" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer–English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

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CHAPTER III

MARRIAGE

I

/2/ I HAVE suggested in the last chapter that the range of the Nuer incest taboo can be understood only in relation to their rules prohibiting marriage between kin. These in their turn are only intelligible when viewed as part of the kinship system to which they belong, and that kinship system derives its particular form from its function in the political structure of the Nuer.

Kinship is a general word for describing any relationship of one individual to another through his father or mother. All kinship ties thus derive from the family, that universal and fundamental social group which everywhere and in some way or another incorporates the institution of marriage. It is therefore partly for logical reasons that I describe first how matrimonial unions are brought about among the Nuer and discuss the kinship relations which derive from them later. I describe marriage and kinship in this order also partly for convenience, in that kinship among the Nuer is so largely defined by reference to bridewealth.

I describe in this first section relations between the sexes before marriage, and in the following sections the chief ceremonies by which marriage is brought about, the payments of bridewealth which together with the ceremonies create valid and durable unions, the affinal relations which arise from the unions, and the various forms of domestic union we find among the Nuer side by side with matrimony in the full legal sense.

581 831 Sexual activities are from their earliest manifestations given the stamp of cultural values. They are from the first associated with marriage, which is the final goal of the sex life of men and women. Even the very poor and the disabled form domestic establishments of some kind and talk proudly of 'my father-in-law' and 'my mother-in-law'. It is the chief ambition of a youth to marry and have a home (*gol*) of his own, for when Nuer speak of marriage they speak of a home. They say of a youth: 'He is married—he has *a gol*.' Even in childhood it is clear to Nuer that marriage and the birth of children are the ultimate purpose of the sexual functions

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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer
574 eat so much in each other's byres and windscreens that, as far as the
621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

● 121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431/583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583/431/602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rur*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

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The distribution of bridewealth is a different process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 1886]

8:Howell E, G-5 (1942-1944)1954
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691 such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure [584] is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*kur*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

126 The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These 114 were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

121 This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

8:Howell E, G-5 (1942-1944)1954
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It is also intended to provide further material for those whose interests lie in a more general and theoretical study of 'primitive law', although I have myself rarely attempted to interpret that material in terms of comparative jurisprudence.

These two objectives are not entirely compatible and involve difficulties of presentation. I must therefore seek indulgence in advance for those passages which may appear abstruse and far removed from the practical problems which face the administrator and for those passages which may appear self-evident or over-simplified to the jurist and the anthropologist. Whether the book will be of value in the administration of Nuerland in the near future or in the self-governing Sudan must be judged by posterity. It is dedicated with affection to the Nuer people themselves in the hope that they may find security and fulfilment in the direction of their own affairs with due regard for their traditions.

Presentation and Orthography

Since it is not easy to isolate one aspect of the social and political affairs of the Nuer from another, the system of classification is arbitrary and not based on any conventional legal form. There are also obvious repetitions when a particular institution or concept is examined in different contexts. I begin with a summary account of the social and political structure of the Nuer for the benefit of those who have not studied previous literature on the subject, and this inevitably leads to generalizations which are not equally valid throughout the whole area. The Nuer are, however, sufficiently homogeneous to make generalizations at least possible. For further information the reader may turn to the publications listed in the Bibliography. Chapter II concerns homicide and bodily injuries which are not at all uncommon in Nuerland even today. Chapter III concerns marriage, the means by which it is achieved, the rights and duties which arise and which are often in dispute before the courts. Part II of the same Chapter concerns the dissolution of marriage, a process which is unfortunately more common nowadays than it was in the past. Chapter IV concerns the violation of rights in women, also a common cause for litigation. In Chapter V I have attempted to outline some of the main features of Nuer concepts of ownership and corporeal property which are at present no real problem, but which may well need a more complex and precise system of law in the future. In Chapter VI I have attempted, very briefly, to describe the part played by religion as a sanction for social conformity, and the functions of the various religious and magical experts, some of which are recognized in the administration of tribal law and custom. In Chapter VII I have attempted to analyse in very simple terms the nature of Nuer customary law as it was in the past, and the way in which it is developing under modern conditions.

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individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

The chief officer in respect to initiation into age-sets is the *wud ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

[1] A. R. Radcliffe-Brown. *Man*, 13, 1929.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id.* pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

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family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions.

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages.

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny.

Nyueny is a typical Nuer village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest

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IX

I commenced this paper by outlining the formal structure of the family and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons.

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadou ♂ is known as Dadou ♂—Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a leviritic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII).

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; and when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of this dead brother, Duob, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Kur ♀—War ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wec (Homestead No. X.) and Loc (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland.

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained.

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂".

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the

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114 to many processes of Nuer social life, in particular their economic life, the life of family and kin, their ritual, and their age-sets. It attempts to [12] define the form and functions of larger groups than family or kin, namely, the clan, the tribe, and the nation. I have, consequently, used my data in a preliminary manner and for illustrative purposes rather than tried to present a final and detailed account.

Nothing but the briefest notes on Nuer customs existed before Jackson wrote his account of their life in *Sudan Notes and Records* in 1923 and very little has since been added to the facts which he collected. In spite of serious handicaps Jackson wrote an excellent general survey of Nuer social organisation. It is with a full appreciation of his pioneer work that I write this paper to supplement and, I hope, in some particulars, to clarify his account. It is largely due to the complexity of the facts that Jackson's account of them is sometimes unintelligible, but confusion has also arisen from his hazy notions about ethnological terms. To-day several of us are trying to follow the route mapped out by Jackson and to explore new territory, and it will greatly facilitate collation of our researches if we all use the same terms to describe the same features of Nuer social organisation. Special attention has, therefore, been devoted to terminology, since nothing but muddle can result from use of native words like *cieng*, which symbolises a number of different social groups, for though it is generally clear from the context about which group a Nuer is speaking the same clarity cannot be carried into a sociological account. In such a situation it is inevitable that one should abandon native terminology and use English symbols instead. I believe that this usage will not only make for scientific accuracy, but will also facilitate administration.

I do not regard my work among the Nuer as finished, and I hope to complete it when circumstances are more favourable. I spent three and a half months in Nuer country in 1930 and five months in 1931. From the point of view of an anthropological field worker whose time is limited the conditions of work were depressing. The whole of my first trip and a large part of my second trip were occupied with an attempt to master the language sufficiently to make enquiries through it. Only those who have tried to learn a difficult language without the aid of

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a single interpreter and without adequate grammar or dictionary[1] will fully understand the limitations which these conditions impose upon research. The Nuer would at any time have been a difficult job to tackle and the task was undoubtedly rendered more difficult by events of preceding years which had led to warfare with the Government and military control with consequent disillusionment and resentment. What work I was able to accomplish was made possible by the encouragement and assistance of Mr. A. G. Pawson, Governor of the Upper Nile Province, and Capts. A. H. A. Alban and H. A. Romilly and Mr. J. F. Tierney, and I wish to make special acknowledgment to the staff of the American Mission at Nasser who gave me hospitality and generously placed their time and knowledge at my disposal. Their co-operation was invaluable. I was mainly resident among the Lou Nuer to the east of the Nile, but I also visited the Lek Nuer on the Bahr-el-Ghazal and the Jekany who stretch westwards along the Sobat from the frontiers of Abyssinia. I have seen the Nuer of these regions during the dry season and the commencement of the rains but have not stayed among them during the rainy season. I was also restricted to a few cattle camps owing to lack of transport, so that spacially my acquaintance with the Nuer was confined to a very small area as temporally it was confined to a single

[1] At the time two long Nuer-English vocabularies existed, *A Nuer-English Vocabulary*, compiled by the late C. H. Stigand, Cambridge University Press, 1923, and *Nuer-English Dictionary*, by Ray Huffman, Dietrich Riemer, Berlin, 1929. Since my return from Nuerland Miss Huffman has published an English-Nuer vocabulary (*English-Nuer Dictionary*. Oxford University Press, 1931.) An earlier, but smaller, English-Nuer vocabulary has been compiled by Prof. Diedrich Westermann, and his account of Nuer phonetics and grammar are still all we possess on these subjects. It includes a number of native texts. ("The Nuer Language," by Diedrich Westermann. *Mitteilungen des Seminars für Orientalische Sprachen*. Berlin, 1912, pp. 84–141.) The oldest lists of words are those compiled by Brun-Rollet ("Vocabularien der Dinka-, Nushr- und Schilluk-Sprachen." *Petermn. Mitt.*, 1860) and by Marno (Kleine Vocabularien der Fungi-, Tabi, Bertat-und Nushr-Sprache." *Reisen im Gebiete des blauen und weissen Nil*. Wien, 1874.)

The following accounts of Nuer customs exist: Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, pp. 116–118. Major C. H. Stigand, "The Story of Kir and the White Spear," *Sudan Notes and Records*, Vol. II, 1919, pp. 224–226. Capt. V. H. Fergusson, "The Nuong Nuer," *Sudan Notes and Records*, Vol. IV, 1921, pp. 146–155. H. C. Jackson, "The Nuer of the Upper Nile Province," *Sudan Notes and Records*, Vol. VI, 1923, pp. 59–107 and 123–189. P. Coriat, "The Gawaar Nuer"—terminal essay in Jackson's combined account of *The Nuer of the Upper Nile Province* (his two papers in *Sudan Notes and Records*), El Hadara Printing Press, Khartoum, no date. Capt. V. H. Fergusson, "Nuer Beast Taim," *Sudan Notes and Records*, Vol. VII, 1924, pp. 103–112. Ray Huffman, *Nuer Customs and Folk-Lore*, Oxford University Press, 1931, pp. 105. Pater Cranenlara, "Die Gar-Zeremonie bei den Nuer," *Africa*, Vol. V, 1932, pp. 28–39. Miss Soule, *Some Nuer Terms in Relation to the Human Body*, Book I, Parts 1 and 2, the American Mission, Nasser, Sudan, October, 1931.

As far as I am aware this list, together with reports by a number of early travellers, completes the literature on the Nuer.

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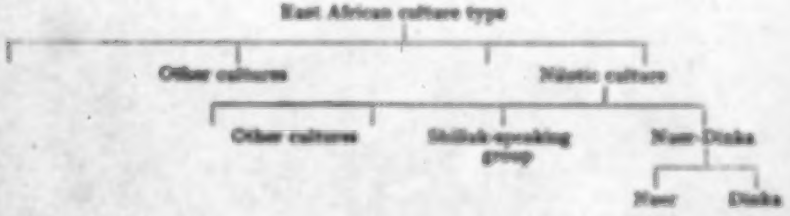
season of the year. Illness prevented a final visit to Lek country in the early part of the rains. I mention these facts because it is essential that conditions of research should be understood if its results are to be rightly evaluated. In a final account I shall describe more fully the methods of research which I employed to meet these conditions.

The population of the Nuer to the east of the Nile is given by Jackson as about 320,000, and an estimate made in 1928 puts their total population on both sides of the Nile at 430,000. They form a homogeneous nation. All are pastoralists, though they make keen use of what opportunities their unruly climate allows them to cultivate the soil, and they are tireless in pursuit of game and fish. With slight regional differences their material culture is everywhere the same. Everywhere one sees the same kind of cattle byres and huts, milking vessels and other technical necessities of stock-raising, household utensils and ornaments, etc. Dialectical differences in their language are slight throughout the entire area, and in spite of local variation there is a common mythology and ritual. Likewise there are no appreciable differences in social organisation in the different countries of Nuerland. The Nuer, therefore, may be spoken of as a homogeneous nation which, with the Dinka nation, form a sub-group of the larger Nilotic conglomerate.

The Nuer belong to an East African culture type, the limits of which are at present ill defined both geographically and in terms of culture. Within this heterogeneous complex they form in the Anglo-Egyptian Sudan a unit of related cultures with the Shilluk (including the Anuak, Bor, and other peoples which speak dialects of the Shilluk tongue) and Dinka nations of the Nile valley. Shilluk culture is so divergent from the other two that we may speak of Nuer-Dinka culture in contrast to it. Thus we may construct the following diagram:—

Diagram No. 1.



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ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

121 The preparation of a comprehensive survey of the tribal societies of Africa was discussed by the Executive Council of the Institute so far back as 1927, but the interruption and restricting of its activities caused by the war resulted in the postponement of the project. Events and developments during recent years, however, have led to a wider recognition of the need for collating and making more generally available the wealth of existing but uncoordinated material on the ethnic groupings and social conditions of African peoples, particularly in connection with plans for economic and social development. Moreover, it appeared that the International African Institute, as an international body which has received support from and performed services for the different Colonial governments, was in a very favourable situation for undertaking such a task.

121 122 The Institute, therefore, in 1944 worked out a scheme for the preparation of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Editor's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgium and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of sections relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 128 The aim of the Ethnographic Survey is to present a concise, critical, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and cult practices, technology and art of the African peoples. The material is to be presented as briefly and as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

128 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the sections which have already appeared is given on the cover of this volume.

121 127 Since the unequal value and the generally unsystematic nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to scrutinize all available literature and to check it by reference to unpublished sources and to workers actually in the field; thus it is

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intended to present a clear picture of our existing knowledge and to point out the directions in which the need for further studies is most pressing. Any assistance from those who are in a position to remedy deficiencies and correct inaccuracies by providing supplementary material will be greatly appreciated.

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The International African Institute expresses its thanks to the many scholars, research workers, administrative officers and missionaries in Europe and Africa who have generously responded to our requests for information, and who have spared time to correct and supplement drafts. Personal communications are acknowledged in footnotes. Our thanks are especially due to Professor Evans-Pritchard for assistance in supervising the work on this section of the Survey and for providing his bibliography of the Nilotes.

DARYLL FORDE,
Director.

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PREFACE

●121 A study of Nuer religion is a study of what they consider to be the nature of Spirit and of man's relation to it. I had previously spent many months among the Azande people of the Nile–Uelle divide. From my earliest days among them I was constantly hearing the word *mangu*, witchcraft, and it was soon clear that if I could gain a full understanding of the meaning of this word I should have the key to Zande philosophy. When I started my study of the Nuer I had a similar experience. I constantly heard them speaking of *kwoth*, Spirit, and I realized that a full understanding of that word was the key to their—very different—philosophy. The attempt to reach it and, even more, to present my conclusions has occupied me for a long time and has proved to be a formidable task. The difficulties which had to be overcome will be very apparent in the pages which follow, but I mention some of them now.

One of the difficulties of presentation has been the different senses the word *kwoth* may have. I have tried to overcome it by speaking of 'God' when the word has a sense near enough to our own conception of God to permit the usage; of 'Spirit' where it refers, either in Nuer or, more frequently, in my exposition, to spiritual nature rather than to any definite, precise, or stated form; and of 'a spirit', 'the spirit', and 'spirits' where it specifically denotes some particular spiritual figure or figures other and lesser than God. The reasons for making these distinctions will become clearer as the book proceeds, and it will then also be perceived why it is impossible to adhere to them rigidly or to use them without any ambiguity.

A further difficulty relates not to Nuer words but to our own. Although the considerable literature on primitive religions which appeared towards the end of the last century and the early years of the present century made us familiar with such terms as animism, fetishism, totemism, mana, tabu, and shamanism, their meanings are still obscure. The very fact that some of these terms are borrowed from native languages is an indication of the failure to build up an adequate and agreed-upon terminology in Comparative Religion, a subject which, moreover, has been since sadly neglected, especially in this country. In these circumstances sometimes even communication is difficult. If I speak of 'spear' or 'cow' everybody will have pretty much the same idea of what I speak of, but this is not so when I speak of 'Spirit', 'soul', 'sin', and so forth.

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This difficulty is not easily overcome, because it is not merely a matter of definitions but involves also personal judgement. It would be useless to deny this and rash to ignore it. It may be said that in describing and interpreting a primitive religion it should make no difference whether the writer is an agnostic or a Christian, Jew, Muslim, Hindu, or whatever he may be, but in fact it makes a great deal of difference, for even in a descriptive study judgement can in no way be avoided. Those who give assent to the religious beliefs of their own people feel and think, and therefore also write, differently about the beliefs of other peoples from those who do not give assent to them. This is not the place to discuss further this difficulty. I merely wish to recognize that it exists and that it introduces into writings about religion complications which are not present when writing about, for example, kinship or husbandry.

I am, of course, well aware that Nuer religion is very unlike what we know in general about Negro religions. One cannot even say that it is a typical Nilotic religion. It is certainly very unlike the religion of the Anuak, of the Luo of Kenya, of the Acholi, of the Alur, or of the Shilluk. Indeed, only the religion of the Dinka can be said to have strongly marked affinities with it, and it can be further said that in some respects the religions of these two peoples resemble less other Negro religions than some of the historic religions. They have features which bring to mind the Hebrews of the Old Testament. Professor C. G. Seligman clearly sensed this, as his account of the Dinka and Nuer shows; and Miss Ray Huffman, an American Presbyterian missionary who spent many years among the Nuer, remarks that 'the missionary feels as if he were living in Old Testament times, and in a way this is true'.[1] When, therefore, I sometimes draw comparisons between Nuer and Hebrew conceptions, it is no mere whim but is because I myself find it helpful, and I think others may do so too, in trying to understand Nuer ideas to note this likeness to something with which we are ourselves familiar without being too intimately involved in it.

[1] C. G. and B. Z. Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, chaps. iv–vi; Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, pp. 56–57. This raises questions which lie outside the scope of the present volume. They are discussed by C. G. Seligman, op. cit., 'Prolegomena', and in his earlier 'Some Aspects of the Hamitic Problem in the Anglo-Egyptian Sudan', *Journal of the Royal Anthropological Institute*, 1913; also by P. W. Schmidt, op. cit., pp. 571 seq.

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PREFACE

121 I have to emphasize that this is a study of religion. So strong has been rationalist influence on anthropology that religious practices are often discussed under the general heading of ritual together with a medley of rites of quite a different kind, all having in common only that the writer regards them as irrational; while religious thought tends to be inserted into a general discussion of values. Here the view is taken that religion is a subject of study *sui generis*, just as are language or law. Consequently I do not feel that I am obliged to describe fully such ceremonies as those that take place at initiations, engagements, weddings, &c., which on no definition of religion can be regarded as religious phenomena, but only to indicate what, if anything, in them has religious significance. Likewise, I do not consider that I have to discuss Nuer moral judgements in general, but only in so far as they more immediately concern their religious thought and practice.

128 The chapters of this book were first written to be delivered as lectures, mostly in university courses at Oxford, though some were written for more formal occasions. Chapter I was a Presidential Address to the Royal Anthropological Institute (1951). Chapter XI the Henry Myers Lecture to the same Institute (1954). Chapter IV the Munro Lecture in the University of Edinburgh (1952). Chapter V a lecture to the University of London Anthropological Club (1954). and Chapter X an address delivered at the Fourth International Congress for Anthropology and Ethnology in Vienna (1952). Some repetition is inevitable in this form of presentation but I have eliminated all that was avoidable.

000 I thank the editors of the following journals for permission to reprint what has appeared in them: *Journal of the Royal Anthropological Institute, Man, Sudan Notes and Records, Africa, African Affairs, American Anthropologist, Annali Lateranensi, Anthropological Quarterly*, and *Sociologus*.

I owe a very great debt to Dr. R. G. Lienhardt. He has read the whole of this book at various stages of its growth and has made many suggestions which I have adopted. We have discussed its contents so often that I am scarcely able to say what I owe to him and what I do not. I can only say that I doubt whether I would have written it at all if it had not been for his interest and encouragement. His help has been all the more valuable, and the more generous, in that it was given in the light of as yet unpublished conclusions he had reached by his study of Dinka religion.

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the same connotation. It may be an elliptical statement, signifying that the thing referred to is a manifestation of Spirit in the sense of God revealing himself in instruments or effects. Or it may be a symbolical statement, signifying that what in itself is not Spirit but represents Spirit to certain persons is for these persons Spirit in such contexts as direct attention to the symbolic character of an object to the exclusion of whatever other qualities it may possess. Or it may be a statement signifying something closer to identity of the thing spoken of with what it is said to be, Spirit. The statements never, however, signify complete identity of anything with Spirit, because Nuer think of Spirit as something more than any of its modes, signs, effects, representations, and so forth, and also as something of a different nature from the created things which they are. They are not able to define what it is, but when it acts within the phenomenal world they say it has come from above, where it is conceived to be and whence it is thought to descend. Consequently Spirit in any form can be detached in the mind from the things said to be it, even if they cannot always be so easily detached from the idea of Spirit.

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I can take the analysis no farther; but if it is inconclusive it at least shows, if it is correct, how wide of the mark have been anthropological attempts to explain the kind of statements we have been considering. Anthropological explanations display two main errors. The first, best exemplified in the writings of Lévy-Bruhl, is that when a people say that something is something else which is different they are contravening the Law of Contradiction and substituting for it a law of their own prelogical way of thinking, that of mystical participation.[1] I hope at least to have shown that Nuer do not assert identity between the two things. They may say that one is the other and in certain situations act towards it as though it were that other, or something like it, but they are aware, no doubt with varying degrees of awareness, and readily say, though with varying degrees of clarity and emphasis, that the two things are different. Moreover, it will have been noted that in the seemingly equivocal statements we have considered, with perhaps one exception, the terms cannot be reversed. The exception

[1] I refer to his earlier writings, in particular *Les Fonctions mentales dans les sociétés inférieures* (1910) and *La Mentalité primitive* (1922). The second part of his last book, *L'Expérience mystique et les symboles chez les primitifs* (1938), which took account of modern research, is a brilliant discourse on the problems we have been discussing.

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is the statement that twins are birds, because it can also be said that birds are twins. That a hatch of birds are twins is a statement, to which we also can give assent, which does not derive logically from the statement that twins are birds but from a perception independent of that proposition; so it does not concern our problem. Rain may be said to be God but God cannot be said to be rain; a cucumber may be called an ox but an ox cannot be called a cucumber; and the crocodile may be said to be Spirit but Spirit cannot be said to be the crocodile. Consequently these are not statements of identity. They are statements not that something is other than it is but that in a certain sense and in particular contexts something has some extra quality which does not belong to it in its own nature; and this quality is not contrary to, or incompatible with, its nature but something added to it which does not alter what it was but makes it something more, in respect to this quality, than it was. Consequently, no contradiction, it seems to me, is involved in the statements.

Whether the predicate refers to a conception or to a visible object the addition makes the subject equivalent to it in respect to the quality which both now have in common in such contexts as focus the attention on that quality alone. The things referred to are not the same as each other but they are the same in that one respect, and the equivalence, denoted by the copula, is not one of substance but of quality. Consequently we cannot speak here, as Lévy-Bruhl does, of mystical participation, or at any rate not in his sense of the words, because the two things are not thought to be linked by a mystical bond but simply by a symbolic nexus. Therefore, what is done to birds is not thought to affect twins, and if a totem is harmed the spirit of that totem may be offended but it is not harmed by the harm done to the totemic creature.

That the relation between the thing said to be something else and that something else it is said to be is an ideal one is indeed obvious, but anthropological explanations of modes of primitive thought as wide apart as those of Tylor, Max Müller, and Lévy-Bruhl, are based on the assumption that though for us the relation is an ideal one primitive peoples mistake it for a real one; and those anthropologists who sponsor psychological explanations often make the same assumption. This is the second error. If my interpretation is correct, Nuer know very well when they say that a crocodile is Spirit that it is only Spirit in the sense that Spirit is

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represented to some people by that symbol just as they know very well that a cucumber is only an ox in the sense that they treat it as one in sacrifice. That they do not mistake ideal relations for real ones is shown by many examples in this book: the identification of a sacrificial spear with that of the ancestor (p. 240), the identification of man with ox in sacrifice (p. 262), the identification of a man's herd with that of the ancestor of his clan (p. 258), the identification of sickness and sin in a sacrificial context (pp. 191–2), and the identification of the left hand with death and evil (pp. 233–6). It is shown also in the symbolism of many of their rites, where their purpose is expressed in mimicry (pp. 231–2).

I think that one reason why it was not readily perceived that statements that something is something else should not be taken as matter-of-fact statements is that it was not recognized that they are made in relation to a third term not mentioned in them but understood. They are statements, as far as the Nuer are concerned, not that *A* is *B*, but that *A* and *B* have something in common in relation to *C*. This is evident when we give some thought to the matter. A cucumber is equivalent to an ox in respect to God who accepts it in the place of an ox. A crocodile is equivalent to Spirit only when conceived of as a representation of God to a lineage. Consequently, though Nuer do not mistake ideal relations for real ones, an ideal equivalence is none the less true for them, because within their system of religious thought things are not just what they appear to be but as they are conceived of in relation to God.

This implies experience on an imaginative level of thought where the mind moves in figures, symbols, metaphors, analogies, and many an elaboration of poetic fancy and language; and another reason why there has been misunderstanding is that the poetic sense of primitive peoples has not been sufficiently allowed for, so that it has not been appreciated that what they say is often to be understood in that sense and not in any ordinary sense. This is certainly the case with the Nuer, as we see in this chapter and in many places elsewhere in this book, for example, in their hymns. In all their poems and songs also they play on words and images to such an extent that no European can translate them without commentary from Nuer, and even Nuer themselves cannot always say what meaning they had for their authors. It is the same with their cattle- and dance-names, which are chosen both for euphony

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and to express analogies. How Nuer delight in playing with words is also seen in the fun they have in making up tongue-twisters, sentences which are difficult to pronounce without a mistake, and slips of the tongue, usually slips in the presence of mothers-in-law, which turn quite ordinary remarks into obscenities. Lacking plastic and visual arts, the imagination of this sensitive people finds its sole expression in ideas, images, and words.

In this and the last chapter I have attempted to lay bare some features of the Nuer conception of Spirit. We are not asking what Spirit is but what is the Nuer conception of *kwoth*, which we translate 'Spirit'. Since it is a conception that we are inquiring into, our inquiry is an exploration of ideas. In the course of it we have found that whilst Nuer conceive of Spirit as creator and father in the heavens they also think of it in many different representations (what I have called refractions of Spirit) in relation to social groups, categories, and persons. The conception of Spirit has, we found, a social dimension (we can also say, since the statement can be reversed, that the social structure has a spiritual dimension). We found also that Spirit, in the Nuer conception of it, is experienced in signs, media, and symbols through which it is manifested to the senses. Fundamentally, however, this is not a relation of Spirit to things but a relation of Spirit to persons through things, so that, here again, we are ultimately concerned with the relation of God and man, and we have to consider not only what is the God-to-man side of the relationship, to which attention has so far mostly been given, but also the man-to-God side of it, to which I now turn.

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further that when the tusks are removed they are first buried under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

The only occasions on which I have heard Nuer speak of creatures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

I have discussed this question partly because it was necessary to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

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can offer sacrifice on behalf of himself or others, intermediaries are not required. 782

Before giving an account of the succession of acts which constitute a sacrifice it is advisable to say further that though the acts are almost always the same and performed in the same order they are much more elaborate on some occasions than on others. A mortuary ceremony must begin between dawn and sunrise and is carried out by long, slow, solemn stages. The rites of sacrifice at marriage ceremonies are, on the contrary, often carried out in a perfunctory manner, giving the impression that they are regarded as little more than a formality. Likewise there is much variation in the attention paid to the rites by those present but not taking an active part in them. In some sacrifices they pay little attention to them, or even ignore them altogether, continuing their dancing or talking among themselves about their own affairs. Thus, in my experience, at sacrifices in marriage ceremonies only close kin of the persons immediately concerned take much, or even any, interest in the ritual. Even sacrifices in honour of a spirit may be performed in a perfunctory manner, it being thought that all that is required is that a beast be offered so that the spirit may know that it has not been forgotten. But on occasions of serious sickness, of grave danger, and of death the spectators sit quietly in a line or semicircle and give silent attention to what is being said and done. The amount of attention paid and its intensity depend on the nature of the occasion and the degree to which spectators are personally involved. 782 781

Therefore the many attempts that have been made to explain primitive religions in terms of supposed psychological states—awe, religious thrill, and so forth—are, as far as the Nuer are concerned, inept because the feelings of officiants and spectators are, in so far as they are discernible, clearly different on different occasions and in different parts of the same ceremony. This is obvious to anyone who sees a few Nuer sacrifices. Some people are paying attention and others not. Some are solemn, others gay. Wedding and funeral sacrifices do not evoke the same response, nor do initiation and incest sacrifices, nor even the opening and closing sacrifices of a mortuary ceremony. The feelings of close kin are not the same as those of distant kin. There is no need to labour the point. What is important in sacrifice is not how people feel, or even how they behave—a serious mien when the occasion is a solemn one is a 782 781 121

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782 matter of sentiment and good manners, not of religion. What is
781 important is that the essential acts of sacrifice be carried out and,
121 especially in personal sacrifices, with a right intention, which is a matter of disposition, not of emotion.

III

792 Almost all sacrifices, whether personal or collective, have the same general features. A description of one is therefore, apart from details, a description of almost all. The victim is brought to the place of sacrifice and there are performed in succession the four acts which compose the sacrificial drama: presentation, consecration, invocation, and immolation. Other features may be added, such as libations and aspersions and, mostly in sacrifices to spirits, hymn-singing, but these are supernumerary acts. The essential rites of the sacrifice proper are the four I have mentioned. They form what might be called the canon of sacrifice.

The first act is the *pwot*, the driving into the ground of a tethering-peg and the tethering of the animal to it. The officiant presents the victim to God. The man who stakes the victim is called *pwot yang*, the tetherer of the cow, and as in collective sacrifices this is generally done by the master of ceremonies of the family concerned he is commonly referred to in a sacrificial context by this title. Sometimes, after the victim has been staked, a libation, of milk, beer, or water, is poured over, or at the foot of, the peg.

Then takes place the *buk*, the rubbing (with ashes), the act of consecration (Plate VIII). The man who is about to speak the first invocation rubs ashes of cattle-dung lightly on the victim's back with his right hand. Each speaker does this in turn, and in some sacrifices all present place ash on the victim's back whether they make invocations or not. I discuss later (pp. 261–2 and 279–81) the meaning of rubbing ashes, when I shall try to show that it is not only a consecration of the beast to God but also an identification of man with ox.

Then takes place the *lam*, the invocation (Plate IX). The officiant, holding his spear in his right hand, speaks to God over the consecrated victim. The invocation states the intention of the sacrifice and matters relevant to it. Occasionally, when a sacrifice is a very perfunctory affair, no words are spoken. When asked about the omission Nuer say that the sacrifice is the *lam*, by which they

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ourselves what light is shed by what we have discovered about Nuer sacrifice on theories of sacrifice put forward by anthropologists and others and attempt, with the aid of these theories, and in terms of them, to reach a deeper understanding of it.

Much has been written about the nature of sacrifice, and this is not surprising in view of the central position it has had in the Hebrew and Christian religions and in the religions of pagan Greece and Rome. As is well known, there have been two main theories of sacrifice, the communion theory and the gift theory. The communion theory was given wide currency by Robertson Smith in his *Lectures on the Religion of the Semites* (1889). Briefly, his theory was that primitive sacrifice, and particularly early Semitic sacrifice, was a feast in which the god and his worshippers ate together. It was a communion or act of social fellowship—not a gift, not a tribute, not a covenant, not an expiation, not a propitiation. All these ideas were either much later or, if present in the earliest forms of sacrifice, were secondary or even merely germinal. Moreover, the sacrificial victim was a sacred beast, not in virtue of being set apart or consecrated for sacrifice, but intrinsically. It was the totem of the clan and hence of the same blood as the people who slew it and ate it. But in a sense it was also the god himself, for the god was the ancestor of the clan and therefore kin to both his worshippers and their totemic victim. By sacramentally eating their god, the theanthropic and theriomorphic victim, the worshippers acquired spiritual strength.

The totemic part of this theory is unacceptable, since there is almost no evidence that can be adduced in support of it, either from the literature concerning the early Hebrews, with whom Robertson Smith was chiefly concerned, or from accounts of primitive peoples, to which he made appeal. Moreover, I think that every competent Old Testament scholar would today admit the accuracy of Buchanan Gray's conclusions that the idea of gift rather than that of communion was predominant in even the earliest Hebrew sacrifices known to us, that the ideas of expiation and propitiation were present in these earliest sacrifices, and that it is clear that by the time of Deuteronomy a eucharistic intention was present.[1] Even, therefore, in its more reasonable form, minus the totemic character of the victim, Robertson Smith's attempt to

[1] Buchanan Gray, *Sacrifice in the Old Testament: Its Theory and Practice*, 1925, pp. 1–82.

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782 121 show that festal communion between worshippers and their gods was the original form of Semitic sacrifice could only be a highly speculative hypothesis for times for which records, and hence evidences, are totally lacking. Nor do ethnographic accounts support it with regard to predominantly theistic religions, such as that of the Nuer. They only show, if their conclusions are correct, that among some peoples, such as some of the Bantu[1] who have a cult of the ancestors, sacrifices are sometimes communion feasts at which the ghosts and their living kinsmen are thought to feed together on the victim.

The communion theory as held by Robertson Smith and those who have accepted his interpretations gives us little aid towards understanding the nature of Nuer sacrifices to God, and they do not lend it support. The idea is excluded by definition in the case of their holocausts. The flesh of other victims can only be said to be in any sense sacred in such sacrifices as those in which parts of it may not be eaten by the sacrificers. In their common sacrifices of wild cucumbers the victims are in any case inedible. In none of their sacrifices is there any suggestion that God partakes of the essence of the flesh. What goes to him is the life, and it would be to extend the communion theory beyond legitimate bounds to say that his taking—not consuming—the life and man's eating of the flesh constitute a communion in the sense given to the idea by its upholders. Moreover, though men eat the carcass, and any man may partake of the flesh, their eating of it, however important socially this festal side to sacrifice may be, is not a sacramental meal but an ordinary commensual act of family or kin which, moreover, falls outside the sacrificial rites. Those who eat the flesh are not thought to gain spiritual strength by doing so. It might be held that the juices of the cucumber, and occasionally the chyme of a beast, have a sacramental use in the sacrificial situation, but the same could not be maintained of the flesh of animal victims. In the etymological sense of the word 'sacrifice' it is the life which is made *sacer* by the consecration, not the flesh which the sacrificers and others eat.

It is only in a mystical, and not in a material, sense that Nuer sacrifice might be called a communion, in the sense that through sacrifice man communicates with God, who is invoked to be present (*in-vocare*) to receive the life of the consecrated victim and

[1] W. C. Willoughby, *The Soul of the Bantu*, 1928, pp. 396 seq.

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to hear what it is that those who make the sacrifice desire of him. It is communion in this sense of union, of a *communio* established through the victim, that H. Hubert and M. Mauss were speaking of in their 'Essai sur la nature et la fonction du sacrifice'[1] when they said that in sacrifice a communication is established between the sacred and the profane by the intermediation of a victim. We may readily accept that the victim is an intermediary between God and man, in that they are brought together in the offering of its life. And if we ask why communion should be through a life, we are given an answer by the fourth-century neo-Platonist Sallustius,[2] that two living objects which are distant from one another can only be brought into union (*συναφή*) by means of an intermediary (*μεσότης*) of the same order, a third life.

We have, nevertheless, to bear in mind that the purpose of Nuer piacular sacrifices is to establish communication with God rather in order to keep him away or get rid of him than to establish a union or fellowship with him. What Georges Gusdorf[3] says of religious sacrifice in general, that it is made not only to the gods but against the gods, is very true for the Nuer, in whose piacular sacrifices prophylactic and apotropaic features are very evident. They are made in times of trouble, present or feared, and the trouble comes from God and in a sense is God. Sacrifice is made to persuade him to turn away from men and not to trouble them any more. It is made to separate God and man, not to unite them. They are already in contact in the sickness or other trouble. The sacrifice is intended to rid the sufferer of the spiritual influence whose activity is apparent in the sickness. There is here a paradox. God is separated from man by an act which brings them together. The solution of the paradox would seem to lie in a distinction between two kinds of union, union on a material plane which is to be dissolved in the moment of sacrifice by bringing about union on a moral plane. This solution is consistent with the Nuer representation of sickness in which the sickness itself, the moral or spiritual state of the sufferer, and the action of Spirit form a complex whole; and also with the essential ambiguity of their conception of God as the source of good and ill.

[1] Op. cit., p. 133.
[2] Sallustius, *Concerning the Gods and the Universe*, edit. with Prolegomena and Translation by Arthur Darby Nock, 1926, pp. 29–30 (sect. xvi of text).
[3] *L'Expérience humaine du sacrifice*, 1948, p. 78.

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THE MEANING OF SACRIFICE

II

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121 Much older than the communion theory of sacrifice is the gift theory, supported among anthropological writers by Sir Edward Tylor and Herbert Spencer. For Tylor[1] sacrifices are gifts made to a deity as if he were a chief. This would not be a happy explanation for Nuer sacrifice, as they have no chiefs. For Spencer[2] sacrifice has developed from the placing of offerings on the graves of the dead to please their ghosts. This would also not be a happy explanation in the case of the Nuer, who do not make offerings in this manner to the dead. Other writers who regard sacrifice as being essentially a gift to gods stress a variety of motives: to nourish the gods, to obtain favours from them, to propitiate their wrath, to draw nearer to them, to create harmony between God and man, to expiate sins; or they emphasize their eucharistic, commemorative, or other intentions.

Now Nuer sacrifice is clearly a gift of some sort. They say that they are giving God a thing, a gift. But it is a gift which is immolated, it is that which makes the offering a sacrifice. And the gift must be a life or something which stands for a life. Moreover, a gift is a far from simple idea. It is a symbol which may have many different meanings and shades of meaning. We have to determine what sense or senses it has in Nuer sacrifices.

In their piacular sacrifices to God, which I am now discussing, they give something to get rid of some danger or misfortune, usually sickness. We found that the general idea underlying such sacrifices was that of substitution, the life of a beast being given in exchange for the life of a man. The ideas of purchase, redemption, indemnification, ransom, exchange, bargain, and payment are very evident in Nuer sacrifices, as the words by which they refer to them indicate; and they are not peculiar in this, for, as Hubert and Mauss rightly emphasize, there is probably no sacrifice in which there is not some idea of redemption and something of the nature of a contract.[3] As in the reciprocity of all giving and receiving, as Mauss points out also in his 'Essai sur le Don',[4] sacrifice establishes a contractual relationship between persons, those who give and those who receive. We can say definitely that a relation-

[1] *Primitive Culture*, 1913 ed., chap. xviii.
[2] *The Principles of Sociology*, vol. ii, 1883, p. 102.
[3] Op. cit., p. 134.
[4] *L'Année sociologique*, 1925, pp. 53–60 (Eng. trans. by Ian Cunnison: *The Gift*, 1954, pp. 12–16).

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ship of this kind, based on a sort of exchange, is involved in Nuer sacrifices; but if they include, they go beyond, the dialectic of exchange and contract, even when thought of in terms of persons and not of things, for we can hardly speak of simple exchange or contract when one side in reality gets nothing and the other side may get nothing too.

This is an old problem. Since in most Nuer sacrifices men eat the carcass of the victim, what is God supposed to receive? Nuer say that he gets the life, but they also sense that, as this is his already, he gets nothing. It is his already not only in that it is no longer man's because man has consecrated it to him, so that in the sacrificial invocation the officiant tells God to take 'thy cow' and not 'my cow' or 'our cow', sometimes putting his hand on the beast or pointing at it with his spear as he does so to direct attention to the devoted animal, and uses the expressions *kam yang*, to give a beast in the sense of delivering what is due, and *kan yang*, to take a beast in the sense of taking what is the right of the taker. Nor is it his only in the wider sense that all beasts of the flocks and herds are in a general way of speaking devoted to him, being reserved for sacrifice to him, so that they ought not to be killed for any other purpose. The victim is always his in a yet more general religious sense which extends beyond, and is not derived from, the sacrificial situation, in the sense, that is, that everything belongs to him. In giving a beast to God man without doubt loses something but God, to whom it belongs anyhow, gains nothing. But though this sense of God's ownership may be general it is not unprecise. Thus, Nuer do not complain when a beast is killed by lightning or sickness, for God has a right to take his own, and here also they speak to God about it as '*yangdu*', 'thy cow', so the expression is not determined by formal consecration, which merely gives greater emphasis to it. All life belongs to God. It comes from him and to him it returns, and when he wants it he takes it. Indeed, his taking a beast by lightning or sickness has a certain similarity to sacrifice in that Nuer say that God takes the life of the beast in the place of the life of its master, the beast, as they say, in this manner shielding the man; but it differs otherwise from true sacrifice where man makes an offering of his own accord, and what he offers is a consecrated life.

If God gains nothing have we then to interpret Nuer sacrifice in terms of what man loses, in the sense of abnegation the word

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782 121 'sacrifice' has come to have in our own language? Is it that man deprives himself of something that should take the emphasis? This also is an old problem. It cannot be denied that, although there is no sacrificial tariff, Nuer feel that the greater the crisis the greater should be the offering. At least some cattle should be slaughtered to stay a plague, and their carcasses are abandoned. In mortuary ceremonies oxen, and even cows, must be sacrificed. In cases of serious sin or grave sickness it is desirable to sacrifice an ox if one can be spared. In lesser crises a goat or a sheep suffices, or even a cucumber. All this suggests that the greater the danger the higher should be the payment, the more valuable the gift or substitute and the more complete the surrender of it. But though it may be so, the matter is more complex. It is of course true that cattle are by far the most valuable possessions of the Nuer, but, though doubtless their high value is an important consideration, we have to remember that it is not merely a question of relative value but also one of religious tradition and convention. Men and oxen have a symbolic equivalence in the logic of sacrifice, so that whatever is sacrificed is an 'ox'. If there were enough oxen one might always sacrifice an ox, and in symbol and by surrogate one does so; but as there are not enough, other offerings have to take their place and oxen be kept for the greater crises and those important ceremonial occasions when quantity of meat is a primary consideration. When an ox is sacrificed it is not just a matter of making the highest bid for divine favour when it is most needed, on the principle that the greater the gift the greater will be the return. This is evident from the fact that the victims in marriage ceremonies must be oxen, for here the ideas of substitution and exchange are least in evidence and the purpose of sacrifice is social rather than religious. Nor, in piacular sacrifices, should the holocaust be taken as evidence that it is simply a matter of the greater the need the greater must be the surrender, for when the carcasses of victims are abandoned to stave off plagues and murrains there is the idea of the evils entering into their bodies; and since the sacrifices are made on behalf of everybody no one can eat them. They are holy for all and not, as in some sacrifices where one half of the victim is abandoned, only for certain persons.

But valuable though his beasts are to Nuer and great the loss of them—even though he may feast on their carcasses he still loses them—they themselves freely explain that it is not so much what

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is sacrificed that is important as the intentions of those who sacrifice. If a man is poor he will sacrifice a goat, or even a cucumber, in the place of an ox, and God will accept it. A man should give according to his circumstances, and the sacrifice is not less efficacious because it is a small thing. The emphasis is not on the receiving but on the giving, on the sincerity of intention. It is a question, Nuer say, of the heart or, as we would say, of disposition. It is clear, indeed, that if God is prepared to accept a cucumber instead of an ox it is not merely the thing itself which is significant, for a cucumber can have no use or value for him. We should fix our attention on the suppliant as well as on what he offers, for what he offers is not only whatever it may happen to be but also the expression of an interior state. If a cucumber costs man nothing and benefits God not at all, we have surely to seek deeper into the ideas of payment, substitution, or exchange for the meaning of sacrificial gifts.

All gifts are symbols of inner states, and in this sense one can only give oneself; there is no other kind of giving. This has often been said and in the sense in which it is said it is true. But the idea is a very complex one. When Nuer give their cattle in sacrifice they are very much, and in a very intimate way, giving part of themselves. What they surrender are living creatures, gifts more expressive of the self and with a closer resemblance to it than inanimate things, and these living creatures are the most precious of their possessions, so much so that they can be said to participate in them to the point of identification.

But it is not only in this rather general sense of identification of men with cattle that Nuer can be said to offer up themselves in offering up their cattle in sacrifice. We have seen that one of the chief features of their sacrifices is the rubbing of ashes along the backs of the victims. It is true that this may be regarded as an act of consecration but it is also, to a greater or lesser degree, an act of identification. Identification of sacrificer with victim is a common interpretation by ancient and modern writers on the subject. Indeed, it is quite explicit in some religions, in particular in certain Vedic, Hebrew, and Muslim rites, that what one consecrates and sacrifices is always oneself, and this is sometimes symbolically represented by laying of hands on the victim. It is an interpretation which makes good sense for Nuer piacular sacrifices. I have not, it is true, heard Nuer say that this is what the laying on of

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782 121 hands means to them—it is our interpretation, what it means to us—but I have already given reasons for my conclusion that this meaning is implicit in their sacrifices also, and I do not think that their piacular sacrifices, where the life of an animal is substituted for the life of a man, are intelligible unless this is granted.[1]

But if a man gives himself in sacrifice he does so in the symbolism of substitution, in what Loisy calls a 'figuration' (*Essai historique sur le sacrifice*, 1920). He is acting a part in a drama. It is the ox which dies, not he. Once again, this is an old problem. In trying to solve it we must recall that the purpose of Nuer piacular sacrifices is either to get rid of some present evil or to ward off some threatening evil, and also that the evil is very often connected with ideas of sin, fault, and error, and hence with feelings of guilt. The notions of elimination, expulsion, protection, purification, and propitiation and expiation cannot easily be separated out in these sacrifices, though in any particular sacrifice it may be possible to say that one or other notion is most in evidence. The sense of fault is, as we have noted, clearly expressed in the sacrificial rites, in the confession of grievances and resentments, which is a feature of some sacrifices, and also in the sacrificial invocations, which must state a true account of everything which has led up to the crisis. But it is most clearly and dramatically expressed by the common practice of all present placing ashes on the back of a beast and then either washing them off or slaughtering it. Nuer say that what they are doing is to place all evil in their hearts on to the back of the beast and that it then flows into the earth with the water or the blood. This is not done in most piacular sacrifices, but in almost all such sacrifices someone places ashes on the victim's back on behalf of those for whom the sacrifice is being made; and Nuer say of the sacrifice that whatever evil has occasioned it is placed on the back of the victim and flows away with its blood

[1] It is quite explicit among the neighbouring Shilluk people. The Rev. D. S. Oyler ('The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 198) describes how in a sacrifice by their king he says in his invocation over the victim 'the flesh of this animal is as my flesh, and its blood is the same as my blood'. I asked Dr. Mary Smith to discuss with Nuer the rubbing of ashes on sacrificial victims in the light of what has been said about it in this chapter. Nuer told her that it was done to show God his animal and also so that the bad or evil would go out of them into the ox—they said it was '*luoli ni tek*', 'exchanging life' (life of man for life of beast). She concludes 'it certainly seems to me that you are right when you draw this conclusion from these actions and what they say'.

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into the earth. We have also seen how in some animal sacrifices, and always when a cucumber is sacrificed, the evil is said to go into the left half of the victim, which is therefore abandoned, and how in the case of other offerings they are entirely abandoned for the same reason. They are asking God to take away the evil and that the evil may be ransomed or expiated or wiped out with the victim. It is clear, therefore, that the laying on of hands is not only a consecration and an identification but also a transference on to the victim of the evil which troubles the sacrificer, and which, as we have noted earlier, is in a sense Spirit itself. It is put on to the victim and departs with its life. The victim thus has the role of scapegoat. This does not mean that the victim is made responsible for the evil. There is no suggestion of *poena vicaria*. The ox is not punished in the place of the man but is a substitute for him in the sense of representing him. In the laying on of hands the ideas of consecration, identification, and transference seem to be blended in the representation of a substitute. If this is so, it would follow that what the sacrificer is doing is to identify himself with the victim within the meaning of the transference. In other words, he identifies that part of himself which is evil with the victim so that in its death that part may be eliminated and flow away in its blood. As Gusdorf,[1] quoting Nietzsche, aptly remarks, 'en morale, l'homme ne se traite pas comme un *individuum*, mais comme un *dividuum*'. The same idea is expressed when in danger Nuer throw away as an offering to God something representing themselves and in substitution for themselves—a bead, a tassel, or some other small object of personal adornment or a lump of tobacco—that the evil may depart with it and they be spared.[2]

In sacrifice, then, some part of a man dies with the victim. It can be regarded both as an absolution and a rebirth; and also as a self-immolation (the psycho-analysts use the word 'suicide').[3] Fundamentally, however, if we have to sum up the meaning of Nuer sacrifice in a single word or idea, I would say that it is a substitu-

[1] Op. cit., p. 178.

[2] Dr. P. P. Howell (*A Manual of Nuer Law*, 1954, p. 118) has recorded a most interesting, and as far as I know unique, act of self-mutilation for the same purpose. An elder of some social standing committed an act of bestiality with a cow and was so overcome by shame and remorse that, in addition to sacrificing a beast, 'as an act of expiation he cut off one of his own fingers with a spear'. Dr. Mary Smith was told by Nuer that a man who committed such an act would take his own life.

[3] R. Money-Kyrle, *The Meaning of Sacrifice*, 1930, pp. 148, 152, *et passim*.

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782 tion, *vita pro vita*. If it were not so it would be difficult to under-
121 stand at all why offerings to God should be immolated. The life can only be given by its liberation through death, as Professor E. O. James emphasizes in his *Origins of Sacrifice*.[1] Substitution, a common enough interpretation of sacrifice,[2] is the central meaning of the rites—they are a giving or exchange or an expiation in that sense—whatever other ideas are mixed up in it or become attached to it.

But to sum up the meaning of Nuer piacular sacrifices in a single word scarcely does justice to the very complex set of ideas they express. We have found it necessary to use a variety of words in speaking of them: communion, gift, apotropaic rite, bargain, exchange, ransom, elimination, expulsion, purification, expiation, propitiation, substitution, abnegation, homage, and others. According to situation and particular purpose one element in this complex of meaning may be stressed in one rite and another element in another rite, or there are shifts in emphasis from one part of the sacrificial rite to another. The matter becomes yet more complicated and resistant to precise definition when we take into consideration the scale on which Spirit is figured to Nuer on different levels, and also their collective sacrifices, for in this chapter I have so far been discussing only sacrifices to God and only those made to him which belong to the piacular class.

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776 exchange or bargain, may never be entirely absent but it appears in a refined and sublimated form. The favour requested does not follow automatically the sacrifice, *ex opere operato*. God is not compelled by the sacrifice to grant it. It is indeed obvious, to Nuer as well as to us, that, apart from there being no means by which bargaining with God can be conducted, it is no use trying to haggle with him, because he is master of everything and can want nothing. Nor is there any idea that God is at fault if he does not give what is asked for in sacrifice; in his dealings with man he always has the *cuong*, is in the right. But when we examine sacri-

[1] 1933, *passim*. His interpretation, as I understand it, of primitive sacrifice in terms of the *do ut possis dare* motif does not, however, accord with Nuer ideas.

[2] Given, among anthropologists, some emphasis by Edward Westermarck (*The Origin and Development of the Moral Ideas*, 1908, vol. ii, pp. 626 seq.).

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CHAPTER XIII

SOME REFLECTIONS ON NUER RELIGION

The theories of writers about primitive religion have not been sustained by research. During the last century what was presented as theory was generally the supposition that some particular form of religion was the most primitive and that from it developed other forms, the development being sometimes presented as a succession of inevitable and well-defined stages. The form of religion presented by a writer as the most primitive was that which he considered to be the most simple, crude, and irrational; to exhibit most conspicuously 'crass materialism', 'primeval stupidity', 'naive eudaemonism', 'crude anthropomorphism', or 'daemonic dread'. Many such origins have been propounded: magic, fetishism, manism, animism, pre-animism, mana, totemism, monotheism, &c. All this was for the most part pure conjecture. The determination of the *primordium*, in the absence of historical evidences, was, as Schleiter, among others, has shown, quite arbitrary.[1]

Nuer religion, like any other, has, of course, a history, but we can only trace it in so far as it survives in the memories of the Nuer themselves, for reports by travellers, which start barely a century ago, are on this matter slight and unreliable. Ethnological research can supply us only with indirect evidences; archaeological research, were it to be undertaken, probably with none at all. However, Nuer statements, supported by ethnological evidences, enable us to say with a fair degree of probability what have been the main lines of development during the last hundred years. Now, if we take the Nuer as we find them today and as we have good reason to think them to have been in the recent past, an account of their religion at least shows the inadequacy of most of these so-called evolutionary theories and exposes the conceit of the assumptions on which they were based. The Nuer are undoubtedly a primitive people by the usual standards of reckoning, but their religious thought is remarkably sensitive, refined, and intelligent. It is also highly complex.

[1] Friedrich Schleiter, *Religion und Cultur*, 1919, p. 30.

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Explanations of primitive religions were often couched at the same time both in terms of historical origins and of psychological origins, which made for great confusion, especially as the logical and chronological senses of 'primitive' and 'origin' were also seldom kept distinct. The psychological explanations were very varied, changing with changes in psychological theory. Intellectualist interpretations were succeeded by emotionalist interpretations and they by psycho-analytical intepretations. Religion was discussed and explained in terms of association of ideas, of personification of natural phenomena, of awe, of thrill, of fear, anxiety and frustration, of projection, and so forth. Most of these theories have long ago been discredited as naïve introspective guesses.

Certainly one cannot speak of any specifically religious emotion for the Nuer. One can only judge by overt behaviour on occasions of religious activity and, as I have noted, on such occasions Nuer may be afraid, anxious, joyful, indifferent, or in other states, according to the situation and the degree to which they are involved in it. Miss Ray Huffman says that their religion is one of fear,[1] and I feel I ought to say, and I do so with her permission, that this is the one point with which Dr. Mary Smith finds serious fault in my account of it. She, like Miss Huffman, holds that it is a religion of fear, even of terror. For me this is an over-simplification and a misunderstanding. It is true that Nuer, like everyone else, fear death, bereavement, sickness, and other troubles, and that it is precisely in such situations that they so often pray and sacrifice. It can be admitted also that, in that these troubles are manifestations of Spirit, they fear Spirit and wish to be rid of it. But we cannot say that on that account their religion is simply one of fear, which is, moreover, a very complex state of mind, and one not easy to define or assess. On the contrary, it is because Nuer are afraid of these misfortunes that one might speak of their religion as one of hope and comfort. But I think what fits the facts best is to say that it is a religion of both fear and trust, which may be opposites but are not contraries, or that the Nuer attitude towards Spirit might be described as ambiguous, and perhaps as ambivalent. The question is much complicated by the different ways Nuer represent Spirit to themselves and their different attitudes to it at different levels of representation. We have further to recognize

[1] Op. cit., p. 56.

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that the sense of guilt which is often so evident in misfortunes is not just fear but a complex psychological state, and also that it varies in intensity from one situation to another. Nuer thought in these matters is involved, for a serious danger may not be just an adventitious intrusion of Spirit into human affairs. It often has a moral significance. It is then not so much regarded as a natural crisis which can be overcome by spiritual aid as a moral crisis brought about by human action, and of which the outcome, it is thought, may depend on so delicate and indiscernible a factor as intention. Faced with so complex and variable a problem, to speak of Nuer religion simply as one of fear or awe, or as a projection or as cathartic, and so forth, must be a distortion, and one that does not greatly help us to understand it. All emotions enter into it; they blend; and there is nothing constant that we can say is characteristic of the religious life, which is rather to be defined in terms of disposition than of emotion.

Sociological theories of religion have frowned on evolutionary and psychological explanations alike. They have rather sought to understand primitive religions, or certain aspects of them, as products of social life. Fustel de Coulanges, Robertson Smith, Durkheim, Mauss, Hertz, and others have shown successfully that many features of these religions can be understood only by sociological analysis, by relating them to the social structure. This is true of Nuer religion. I do not think, for example, that the configuration of Spirit, the faults which are regarded as sins, and the roles of master of ceremonies, priest, and prophet in sacrifice can be fully understood without a knowledge of the social order. But Durkheim and his colleagues and pupils were not content to say that religion, being part of the social life, is strongly influenced by the social structure. They claimed that the religious conceptions of primitive peoples are nothing more than a symbolic representation of the social order. It is his society that primitive man worships in the symbol of a god. It is to his society that he prays and makes sacrifice. This postulate of sociologistic metaphysic seems to me to be an assertion for which evidence is totally lacking. It was Durkheim and not the savage who made society into a god.

All these theories about primitive religions, evolutionary, psychological, and sociological, suffered from a common weakness. The facts on which they were based were both inadequate and unreliable. Indeed, such wide generalizations could only have

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• 12 | been put forward at a time when systematic studies of the religions of primitive peoples were lacking, and by persons with no direct, however slight, experience of them. That they were in reality *a priori* assumptions posited on the facts rather than scientific conclusions derived from them became increasingly apparent as new knowledge of these religions came to light and their variety and complexity were better appreciated. It is indeed surprising that these writers, whose speculations were for the most part attempts to explain religion as a general phenomenon, should have turned their attention exclusively to the religions of present-day primitive peoples or to the earliest forms of the higher religions—to those religions, that is, about which information was the most lacking and the most uncertain—rather than to the contemporaneous world religions with their vast literatures and known histories, to Christianity, Islam, Hinduism, Buddhism, and others. Had they done so, however, and, even more, had they conducted research into what these religions mean to ordinary people rather than into how philosophers, theologians, lawyers, mystics, and others have presented them, they would have seen how inadequate their theories were. Also, the religions of primitive peoples could [illegible] thing so unlike the religions of civilization that they appeared to require a special kind of interpretation and a special vocabulary.

The insufficiencies of the theories of primitive religions I have mentioned are apparent to all students today, but little has been put in their place. Certainly one reason for this is that though during the last thirty or so years many and intensive investigations of primitive peoples have been made there have been few systematic studies of what we may call, in order to include a wider range of phenomena than are usually placed under the rubric of religion, primitive philosophies. The word 'philosophy' is used here, for want of a better, in the general sense of the German 'Weltanschauung'. That more studies of the kind have not been made can be attributed to some extent to a lack of interest among anthropologists, and this is perhaps in part to be accounted for by the fact that the theories they inherited from earlier students could not be broken down into problems permitting investigation in the field. No one can put to the test of observation a theory that magic preceded religion or that when a people worship a spiritual being

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it is nature or their own society that they worship. We have, therefore, in the study of primitive philosophies to begin anew to build up a body of theory and to formulate problems in the light of it. There is only one way in which this can be done. A number of systematic studies of primitive philosophies has to be made. When that has been done a classification can be made on the basis of which comparative studies can be undertaken which possibly may lead to some general conclusions. This book is intended as a contribution which it is hoped may be useful in the building up of a classification of African philosophies.

Such a classification of African philosophies must naturally be by reference to their chief and characteristic features. Among all African peoples we find in one form or another theistic beliefs, manistic cult, witchcraft notions, interdictions with supernatural sanctions, magical practices, &c., but the philosophy of each has its own special character in virtue of the way in which among that people these ideas are related to one another. It will be found that one or other belief, or set of beliefs, dominates the others and gives form, pattern, and colour to the whole. Thus, among some peoples, notably a large proportion of the Bantu, the dominant motif is provided by the cult of ancestors; among others, many of the Sudanic peoples for example, it is found in the notion of witchcraft, with which are bound up magical and oracular techniques; among others, such as the Nuer, Spirit is in the centre of the picture and manistic and witchcraft ideas are peripheral; and among other peoples yet other notions predominate. The test of what is the dominant motif is usually, perhaps always, to what a people attribute dangers and sickness and other misfortunes and what steps they take to avoid or eliminate them.

Nuer philosophy is, as we have seen, essentially of a religious kind, and is dominated by the idea of *kwoth*, Spirit. As Spirit cannot be directly experienced by the senses, what we are considering is a conception. *Kwoth* would, indeed, be entirely indeterminate and could not be thought of by Nuer at all were it not that it is contrasted with the idea of *cak*, creation, in terms of which it can be defined by reference to effects and relations and by the use of symbols and metaphors. But these definitions are only schemata, as Otto puts it, and if we seek for elucidation beyond these terms, a statement of what Spirit is thought to be like in itself, we seek of course in vain. Nuer do not claim to know.